

PAAT REPORT (October 1, 2004 – September 30, 2005)

AGENCY INFORMATION

Agency Name: Virginia Office for Protection and Advocacy

Address of Agency:

a. Main Office:

1910 Byrd Avenue, Suite 5
Richmond, Virginia 23230

b. Satellite Office(s) (if applicable):

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Virginia Beach, Virginia 23462

c. Contract Office(s) (if applicable):

Not Applicable

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Staff Preparing Report Office Location: Richmond, Virginia

PART I: NON-CASE SERVICES

A. INFORMATION AND REFERRAL SERVICES (I&R)

1. Total Number of Individuals Receiving I&R Services during the Fiscal Year	370
2. Total Number of Requests for I&R Services during the Fiscal Year	393

B. TRAINING ACTIVITIES

1. Number of Training Sessions Presented by Staff	6
2. Number of Individuals Who Attended These Training Sessions	172

- 3. Describe two training events presented by the staff. Include the following information:**
(a) topics covered, (b) the purpose of the training, and (c) a description of the attendees.

Training Event #1

- a. Formal definition of assistive technology, different categories of assistive technology, funding sources for assistive technology, and the steps involved in selecting an assistive technology device.
- b. To educate the mental health case managers at the Community Services Board.
- c. Mental Health case managers.

Training Event #2

- a. Formal definition of assistive technology, different categories of assistive technology, funding sources for assistive technology, and the steps involved in selecting an assistive technology device.
- b. To educate the Disability Advisory Council on what assistive technology is and ways to find funding the assistive technology.
- c. Members of the Disability Advisory Council which consists of individuals with disabilities who are eligible for services, or who received or are receiving services, or parents, family members, guardians, advocates, or authorized representatives of such individuals.

- 4. Agency Outreach -- Describe the agency's outreach efforts to previously unserved or underserved individuals including minority communities.**

VOPA maintains a website that posts all of our federal grants' goals and objectives. This website also has the notices for the Board of Directors' and VOPA's Advisory Councils meetings. Job vacancies, announcements, VOPA publications, quarterly newsletters, and disability-related links are also available. The annual public comment process is posted on the website and visitors can participate on-line.

VOPA has developed and is maintaining a representative committee that reflects the disability and Spanish speaking communities to help in this area. Representatives from the VOPA Advisory Councils are serving on this committee as well. The Spanish Speaking Outreach Committee has developed an outreach plan to be implemented in August 2005. The plan will mirror the current FY05 Goals and Focus Areas in many respects. It includes identifying Spanish-speaking residents in Virginia's state institutions and community based facilities who are experiencing abuse and/or neglect, but cannot communicate effectively due to language barriers. It also includes identifying Spanish-speaking children receiving special education who are unable to receive transition services, assistive technology, and who do not have appropriate placements due to behavioral issues in schools. The development of a fact sheet for parents in special education who need interpreter services in these areas is included in the plan. VOPA continues to reach out to members of the Governor's Latino Advisory Commission, the Richmond City Hispanic Liaison Office, and the Richmond, Henrico, and Chesterfield Counties Coalitions for updates on issues arising in their communities.

VOPA has convened a committee of staff members to assist in the reviewing, revising and updating of the VOPA publications. The committee has agreed to some general guidelines, the most important being that the publications reflect one voice and one vision for VOPA.

VOPA’s goals include both focus areas and then more specific measurable objectives. We have devoted a focus area to “Underserved”. VOPA efforts in that area include the following:

VOPA researched the client database to identify areas of the State where we were not receiving calls. Staff identified the Eastern Shore, Northern Neck, and far Southwest Virginia as areas where more outreach needs to occur. VOPA also identified Legal Aid offices, local health organizations, area newspapers, and government seats as sites for dissemination of VOPA materials for persons with disabilities and their families.

VOPA identified the following five (5) service-related issues for fact sheet development: employment discrimination; fair housing for persons with disabilities; reasonable accommodations for persons with disabilities; five core areas in special education (eligibility, the IEP, transition, behavior and procedural safeguards); and interpreter resources within the Commonwealth. Staff identified these areas based on calls that are regularly received requesting information and referral.

The VOPA newsletter mailing list was reviewed and updated to better reflect inclusion of underserved populations. It has been updated to include more consumer and family representation. In addition, other advocacy entities have been added. The newsletter mailing list is not a static work product; VOPA considers it to be an on-going project that will consistently be reviewed and updated to best reflect the disability communities in Virginia. The newsletter has been distributed as planned.

C. INFORMATION DISSEMINATED TO THE PUBLIC BY YOUR AGENCY

For each method of dissemination, enter the total number of each method used by your agency during the reporting period to distribute information to the public. For publications/booklets/brochures (item 5), enter the total number of documents produced. See instruction manual for details.

Method of dissemination	Number
1. Radio and TV Appearances by Agency Staff	3
2. Newspaper/Magazine/Journal Articles Prepared by Agency Staff	5
3. PSAs/Videos Aired by the Agency	1
4. Website Hits	19733
5. Publications/Booklets/Brochures Disseminated by the Agency*	3
5a. Number of individuals/agencies receiving documents produced in item 5	172
6. Other (specify)	

*VOPA developed a new publication dedicated to Assistive Technology. Please see attached.

D. INFORMATION DISSEMINATED ABOUT YOUR AGENCY BY EXTERNAL MEDIA COVERAGE

Describe information about your agency produced and disseminated by external media or other agencies/entities for each of the relevant categories below. Enter “N/A” for each field not applicable for your agency.

1. Radio/TV coverage

VOPA participated in a radio talk/call-in show in the fall of 2005 in the Tidewater area of Virginia. This was arranged with the assistance of one of our Advisory Council members. VOPA staff talked about VOPA in general which included our efforts in the area of assistive technology.

2. Newspapers/Magazines/Journals-

VOPA was featured in several newspaper articles over the past year. However, they were not related to our Assistive Technology efforts.

3. PSAs/Videos

The content was not applicable to AT; the content was related to voting rights for people with disabilities. However, by having the PSA broadcast on television and posted on the VOPA website, this assistive technology usage would be of benefit to individuals who do not use written documents.

4. Publication/Booklets/Brochures-

VOPA Overview

Assistive Technology

Assistive Technology and Medicaid

PART II: CASE-SERVICES

A. INDIVIDUALS SERVED

Individuals	Number
1. Individuals Served Receiving Advocacy at Start of Fiscal Year (carryover from prior)	18
2. Additional Individuals Served During Fiscal Year (new for fiscal year)	13
3. Total Number of Individuals Served During Fiscal Year (1 +2)	31
4a. Total Number of Cases Closed During the Fiscal Year	15
4b. Total Number of Individuals with All Their Cases Closed During the Fiscal Year	15
5. Total Individuals Still Being Served at the End of the Fiscal Year (3 minus 4b)	16

B. PROBLEM AREAS/COMPLAINTS

Complaint Area	Number of cases
1. Architectural Accessibility	1
2. Education	20
3. Employment Discrimination	1
4. SSI/SSDI Work Incentives	
5. Healthcare (total generated by the system from a-d below)	
a. Medicaid	7
b. Medicare	

c. Private Medical Insurance	
d. Other	1
6. Housing	
7. Post-Secondary Education	1
8. Rehabilitation Services	6
9. Transportation	2
10. Voting <i>(total generated by the system from a-c below)</i>	
a. Accessible Polling Place / Equipment	
b. Registration	
c. Other	
11. Other – personal safety	1
12. Other – appropriate Assistive Technology	1
13. TOTAL	41

ASSISTIVE TECHNOLOGY DEVICES/SERVICES

1. Number of individuals that received one or more AT devices or services as a result of casework (unduplicated count)	13
2. Type of AT device or AT service received as a result of casework	Number of devices/services
a. Devices for communication	4
b. Devices for mobility	7
c. Devices for hearing or seeing	
d. Devices for reading or writing	3
e. Devices to assist with household activities	
f. Devices to assist with participation in play or recreation	
g. Devices to assist with personal care	1
h. Devices to aid in therapy or medical treatment	1
i. Devices to assist with the use of public/private transportation	2
j. Devices to assist with employment	
k. Devices to aid with school/learning	4
l. AT services	7
m. Other - specify	
n. Total number of devices and services received as a result of casework (a-l)	29

D. PRIMARY REASON FOR CLOSING A CASE FILE

Primary Reason	Number of cases
1. All Issues Resolved in Client's Favor	13
2. Some Issues Resolved in Client's Favor	
3. Other Representation Obtained	
4. Individual Withdrew Complaint	
5. Services Not Needed Due to Death, Relocation, etc.	
6. Individual Not Responsive to Agency	2
7. Case Lacked Legal Merit	
8. Conflict of Interest	
9. Lack of Resources	
10. Not Within Priorities	
11. Issue Not Resolved in Client's Favor	
12. Other - specify	
13. Total (number must match Part II A4a)	15

E. INTERVENTION STRATEGIES FOR CLOSED CASES

Interventions	Number of cases
1. Short Term Assistance	2
2. Systemic/Policy Activities	
3. Investigation/Monitoring	2
4. Negotiation	10
5. Mediation/Alternative Dispute Resolution	
6. Administrative Hearing	
7. Legal Remedy/Litigation	1
8. Class Action Suits	
(No response from client)	
9. Total (<i>this should match the total in Part II.A.4.a above</i>)	15

PART III: STATISTICAL INFORMATION FOR INDIVIDUALS SERVED

A. AGE OF INDIVIDUALS SERVED

Age	Number of individuals
0 to 4	1
5 to 13	13
14 to 18	4
19 to 21	2
22 to 40	5
41 to 64	5
65 and over	
Age Unknown	1
Total (this should match the total in II.A.3)	31

B. GENDER OF INDIVIDUALS SERVED

Gender	Number of individuals
Male	16
Female	15
Total (this should match the total in II.A.3)	31

C. RACE AND ETHNICITY OF INDIVIDUALS SERVED

1. Race of individuals served.

Race	Number of individuals
a. American Indian or Alaska Native	
b. Asian	1
c. Black or African American	9
d. Native Hawaiian or Other Pacific Islander	1
e. White	20
f. More than one race	
g. Unknown/not reported	
h. Total (this should match the total in II.A.3)	31

2. Ethnicity of individuals served.

Ethnicity	Number of individuals
a. Hispanic/Latino	
b. Non- Hispanic/Latino	31
c. Ethnicity unknown/not reported	
d. Total (<i>this should match the total in II.A.3</i>)	31

D. LIVING ARRANGEMENTS OF INDIVIDUALS SERVED

Living Arrangement	Number of individuals
1. Community Residential Home	
2. Foster Care	
3. Homeless/Shelter	
4. Legal Detention/Jail/Prison	
5. Nursing Facility	
6. Parental/Guardian or Other Family Home	24
7. Independent	2
8. Private Institutional Setting	
9. Public (State Operated) Institutional Setting	5
10. Public Housing	
11. VA Hospital	
12. Other – describe the living arrangement	
13. Other – describe the living arrangement	
14. Unknown/Not Provided	
15. Total (<i>this should match the total in II.A.3</i>)	31

E. PRIMARY DISABILITY OF INDIVIDUALS SERVED

Primary Disabling Condition	Number of individuals
1. ADD/ADHD	
2. AIDS/HIV Positive	
3. Absence of Extremities	
4. Auto-immune (non-AIDS/HIV)	
5. Autism	
6. Blindness (Both Eyes)	
7. Other Visual Impairments (Not Blind)	
8. Cancer	1
9. Cerebral Palsy	6
10. Deafness	4

11. Hard of Hearing/ Hearing Impaired (Not Deaf)	2
12. Deaf-Blind	
13. Diabetes	
14. Digestive Disorders	
15. Epilepsy	
16. Genitourinary Conditions	
17. Heart & Other Circulatory Conditions	
18. Mental Illness	4
19. Mental Retardation	8
20. Multiple Sclerosis	
21. Muscular Dystrophy	1
22. Muscular/Skeletal Impairment	3
23. Orthopedic Impairments	
24. Neurological Disorders/Impairment	
25. Respiratory Disorders/Impairment	
26. Skin Conditions	
27. Specific Learning Disabilities (SLD)	2
28. Speech Impairments	
29. Spina bifida	
30. Substance Abuse (Alcohol or Drugs)	
31. Tourette Syndrome	
32. Traumatic Brain Injury (TBI)	
33. Other Disability - specify	
34. Total (this should match the total in II.A.3)	31

F. GEOGRAPHIC LOCATION OF INDIVIDUALS SERVED

Geographic Location	Number of individuals
1. Urban/Suburban (50k population)	19
2. Rural (<50k population)	12
3. Other - specify	
4. Unknown	
5. Total (this should match the total in II.A.3)	31

PART IV: SYSTEMIC ACTIVITIES AND LITIGATION

A. NON-LITIGATION SYSTEMIC ACTIVITIES

1. Number of Policies/Practices Changed as a Result of Non-Litigation Systemic Activities	1
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2. Describe the agency’s systemic activity completed during the fiscal year.

Include information about (a) the policy or practice that was changed, as a result of your agency’s non-litigation systemic activity, along with a description of the negative impact upon individuals with disabilities, and (b) the manner in which this change benefited individuals with disabilities. If possible, (c) estimate the number of individuals potentially affected by the policy/practice change and (d) the method used to determine this estimate. [If you cannot provide an estimate, enter ‘N/A’.] Include (e) one case example of the agency’s systemic activity related to this policy/practice change.

a. In FY04, VOPA received complaints that the Department of Medical Assistance Services was not properly informing EPSDT eligible children of the existence and benefits of EPSDT. VOPA began an investigation to determine if DMAS had neglected these children. VOPA requested that DMAS provide it with the names of EPSDT eligible children with developmental disabilities so VOPA could conduct its investigation. When DMAS refused, VOPA filed a lawsuit. The lawsuit was settled when DMAS agreed to an order enjoining it to inform all EPSDT eligible children of the EPSDT program. In FY05, DMAS conducted the notification of all eligible children of the availability of EPSDT services and provided training for their employees. VOPA monitored this process and found that DMAS did, in fact, provide training to service providers on EPSDT and did inform all eligible children (not just those with disabilities) of the existence and benefits of the EPSDT program. Although this effort was not completed with AT funding, this accomplishment was beneficial for some of our AT clients. See example below.

b. This is of significant benefit to children with disabilities who are Medicaid eligible. These children may not have been aware of the availability of these early detection and screening services. In addition, children that do have conditions, are aware that they are eligible for treatment as well. Early detection and treatment intervention is critical in some cases.

c. This could affect over 38,000 Medicaid eligible children and youth.

d. DMAS’ Statistical Record of the Virginia Medicaid Program (state fiscal year 2003) reports having over 38,000 unduplicated individuals under the age of 21 enrolled in Medicaid. However, DMAS has used the figure 400,000 when describing the impact of this work.

e. In another case, DMAS refused a request for AT by a child who is eligible for Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) and should have received the AT because it is necessary to correct or ameliorate her disability (she needed an adapted bicycle to assist with maintaining and strengthening muscle tone in her legs). VOPA filed an appeal of the decision and conducted a trial on 6/30/05. VOPA moved to recuse the hearing officer after it found that there was a conflict of interest. A retrial has been scheduled for November, 2005

3. Number of On-going Non-Litigation Systemic Activities	0
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4. Describe the agency’s on-going systemic activities. Not applicable.

B. LITIGATION/CLASS ACTIONS

Report information on the PAAT-related litigation for your agency.

	Number
1. Total Number of Non-Class Action Lawsuits, resulting in, or with the potential for, systemic change, pending during the fiscal year	0
a. Number of Non-Class Action Lawsuits Newly Filed During Fiscal Year	0
b. Number of Non-Class Action Lawsuits That were Pending at Start of Fiscal Year (carryover from prior fiscal year)	0
c. Number of Non-Class Action Lawsuits Closed During Fiscal Year	0

2. Describe the agency's on-going systemic non-class action litigation activities.

Not applicable

3. Describe the agency's completed systemic non-class action litigation activities.

Not applicable.

Report information on the PAAT-related class action lawsuits for your agency.

4. Total Number of Class Action Lawsuits Filed and/or Pending (during fiscal year)	0
a. Number of Class Action Lawsuits Newly Filed During Fiscal Year	0
b. Number of Class Action Lawsuits Pending at Start of Fiscal Year (carryover from prior fiscal year)	0
c. Number of Class Action Lawsuits Closed During Fiscal Year.	0

5. Describe the agency's on-going systemic class action litigation activities.

Not applicable

6. Describe the agency's completed systemic class action activities.

Not applicable

C. LITIGATION-RELATED MONITORING

Did the agency conduct any litigation-related monitoring under the PAAT program during the fiscal year?

No

PART V: PRIORITIES

It should be noted that the Virginia Office for Protection and Advocacy (VOPA) has made a deliberate decision to take cases that we believe will have a strong systemic impact on the lives of Virginians with disabilities. Although we are opening a targeted number of cases, we believe that by tying them directly to systemic reform, we are making significant impact on a much larger population group.

It should also be noted that VOPA plans its programs based on the needs within the state; not by funding stream or specific disabilities. Some of the identified estimated cases may be addressed in conjunction with other funding streams, but the result will still be a positive impact on PAAT eligible individuals.

A. PRIORITIES

For each of your PAAT program priorities for the fiscal year covered by this report, please provide the information below. You may enter data on as many priorities as you need. See the instruction manual for more details.

1. Describe the Priority

Goal: Children and Youth With Disabilities Receive an Appropriate Education

Focus Area: Assistive Technology and Supports in Public Education

- Objectives:
1. Develop a Fact Sheet concerning availability of assistive technology in schools and distribute to four (4) parent organizations and any caller requesting.
 2. Provide legal representation to seven (7) children who have been denied appropriate assistive technology devices and services as a part of their IEP or Section 504 Plan.

2. Describe the Need, Issue, or Barrier Addressed

Denial of or inappropriate transition services

This is a priority because VOPA determined that persons with disabilities' rights to access to appropriate assistive technology devices and services were being violated. In addition, this was identified through a public comment process, with guidance by the Governing Board and with input from the VOPA Advisory Councils. The desired effect of addressing this priority is that more persons with disabilities will be able to appropriately access assistive technology

3. Indicate the Outcome of the priority: Partially Met

4. Total Number of Cases Handled Related to the Priority: 16

5. Illustrative Cases/Activities (at least one specific case/activity description showing the success)

VOPA will complete the fact sheet in FY06.

A child using Kurzweil 3000 (a computer software program) as an assistive technology device was denied the right to use it on the Virginia Standards of Learning (SOL) exams and denied the proper use of it in school by Frederick County Public Schools and the Virginia Department of Education. VOPA filed a due process petition with the Department of Education on her behalf. The matter was settled on the eve of trial when the school agreed to provide all the services requested by the student and the Department of Education agreed to allow her to use Kurzweil 3000 on the SOLs.

In another case, a school refused to allow a child to use his assistive technology device in class. The child had a cochlear implant and needed an FM system to transmit to the implant so he could hear in class. (An FM system is a two-part amplification system that can be used in the classroom so that the student can hear more clearly what the teacher or classroom speaker is saying. The teacher or the classroom speaker can either wear a microphone or a microphone can be placed in the middle of the room. The sound from the microphone is then transmitted to a headset that the student wears, thus enhancing the listening and learning opportunities in the classroom for the student.) The child's Individualized Education Plan stated he should receive a personal FM system. The school purchased an FM system that was not compatible with his implant. The school refused to acquire an appropriate FM system because it contended that the system it acquired was called an "FM system" and therefore satisfied the child's IEP. VOPA recommended that the family pursue a due process petition; which they declined. However, the family and the child received technical assistance and information about their rights related to special education and accommodations for people with disabilities.

1. Describe the Priority

Goal: People with Disabilities Live in the Most Integrated Environment Possible

Focus Area: Appropriate Assessment and Use of Assistive Technology in Institutions

- Objectives:
1. Provide one (1) outreach for facility operators regarding access to assessment for and acquisition of assistive technology for persons with disabilities.

2. Represent and advocate for three (3) residents of facilities to obtain appropriate assessment for and use of assistive technology.

2. Describe the Need, Issue, or Barrier Addressed

Residents and staff of state institutions need a greater awareness of the availability and flexibility of assistive technology to enhance the functioning of individuals with disabilities.

3. Indicate the Outcome of the priority: Partially met

4. Total Number of Cases Handled Related to the Priority: 0

5. Illustrative Cases/Activities (at least one specific case/activity description showing the success)

VOPA staff met with Virginia Assistive Technology Services (VATS) staff on multiple occasions to collaborate on strategies for bringing assistive technology information to specialized target audiences: persons in training centers (institutions for people with mental retardation) and state psychiatric hospitals and the administrators and residents of assisted living facilities. VATS shared previously prepared Powerpoint Presentations which could be adapted for varied audiences. VATS also shared information about emerging technologies to facilitate increased independence for persons with brain injury and psychiatric disorders. VATS also loaned VOPA their AT familiarization kit with sample low tech devices for use in multiple presentations, including the Disability Advisory Council, the PAIMI Council and the VOPA Board. VATS pencil grips were affixed to VOPA pens and given to participants.

VOPA provided similar AT training for case managers at a Community Services Board.

Although VOPA conducted extensive outreach and provided technical assistance for several facilities about assistive technology, none of the service requests rose to the level of case level services.

1. Describe the Priority

Goal: People with Disabilities Are Employed to their Maximum Potential

Focus Area: Acquisition of Assistive Technology for Persons with Disabilities by the Department of Rehabilitative Services, Department for the Blind and Vision Impaired, and the Department for the Deaf and Hard of Hearing

Objective: 1. In conjunction with Disability Services Agencies, provide five (5) trainings for consumers on their right to assistive technology.

2. Describe the Need, Issue, or Barrier Addressed

Individuals with disabilities utilizing these vocational rehabilitation entities shall increase their awareness of the availability and how to access AT devices, services and assessments. VOPA's efforts will help ensure that people with disabilities are employed to their maximum potential, which will increase their ability to live independently and increase their standard of living.

3. Indicate the Outcome of the priority: Met

4. Total Number of Cases Handled Related to the Priority: Not case level activity.

5. Illustrative Cases/Activities (at least one specific case/activity description showing the success)

VOPA has provided six (6) trainings for consumers on their right to assistive technology. In addition, several other VOPA presentations were provided that included information related to Assistive Technology.

1. Describe the Priority

Goal: People with Disabilities have Equal Access to Appropriate and Necessary Health Care

Focus Area: Assistive Technology Obtained through Medicaid and Other Insurances

Objectives: 1. Represent three (3) persons with disabilities who have been denied funding for Assistive Technology by Medicaid or other insurances.

2. Provide in partnership with state Disability Services Agencies, three (3) trainings on acquiring Assistive Technology through Medicaid and other insurances

2. Describe the Need, Issue, or Barrier Addressed

This allows VOPA to address the denial of assistive technology devices and services for people with disabilities by insurance entities.

3. Indicate the Outcome of the priority: Met

4. Total Number of Cases Handled Related to the Priority: 9

5. Illustrative Cases/Activities (at least one specific case/activity description showing the success)

In two cases, VOPA found that the Department of Medical Assistance Services, (DMAS), was not appropriately administering the Medicaid system. In those cases, DRS, who has a contract with DMAS to provide AT services, was not complying with federal law and was improperly delaying providing at to Medicaid recipients. VOPA demanded that DMAS, as the state agency responsible for ensuring compliance with Medicaid law, remedy the situation and investigate whether other persons were facing similar problems. DMAS ensured that the two persons received their AT and informed VOPA that other persons faced similar problems but that DMAS had ensured that they received their AT.

In another case, DMAS refused a request for AT by a child who is eligible for Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) and should have received the AT because it is necessary to correct or ameliorate her disability (she needed an adapted bicycle to assist with maintaining and strengthening muscle tone in her legs). VOPA filed an appeal of the decision and conducted a trial on 6/30/05. VOPA moved to recuse the hearing officer after it found that there was a conflict of interest. A retrial has been scheduled for November, 2005.

In another case, DMAS refused a request for AT by a child who is eligible for EPSDT. VOPA filed an appeal of the decision. DMAS then settled the case and agreed to provide the child with the AT.

1. Describe the Priority

Goal: People with Disabilities in the Commonwealth of Virginia are Aware of VOPA's Services

Focus Area: Underserved Communities

- Objectives:
1. By December 2004, identify one (1) geographic region of the state that has been traditionally underserved by VOPA.
 2. By March 2005, with the assistance of the VOPA Advisory Councils, develop an outreach program for the underserved region.
 3. Implement the outreach program by August 1, 2005.
 4. Develop five fact sheets for use with service requests that do not become fully opened cases.
 5. Evaluate newsletter mailing list to be certain that underserved populations are represented.
 6. Distribute newsletter quarterly.

2. Describe the Need, Issue, or Barrier Addressed

Identify and address an underserved disability population.

3. Indicate the Outcome of the priority: Partially Met

4. Total Number of Cases Handled Related to the Priority: not limited to individual cases

5. Illustrative Cases/Activities (at least one specific case/activity description showing the success)

VOPA identified the Eastern Shore and far Southwest Virginia as areas that are underserved by the Office based on client database data and staff input. We developed an outreach plan to identify and visit key service providers in these areas so that better education and training about VOPA's services can take place. Outreach planning includes visits to a local hospital, the Community Services Board, a local Department of Social Services, and the region's Center for Independent Living. VOPA has also identified the deaf and hard of hearing and visually impaired populations in far Southwest Virginia as "underserved populations" and is actively working with legal service organizations, Centers for Independent Living and other social organizations to get the word out about VOPA's mission and services.

VOPA identified the following five (5) service-related issues for fact sheet development: employment discrimination; fair housing for persons with disabilities; reasonable accommodations for persons with disabilities; the five core areas in special education (eligibility, the IEP, transition, behavior and procedural safeguards); and interpreter resources within the Commonwealth. These areas were identified based on requests for information that are regularly received. Full development of these fact sheets will be completed in FY06.

VOPA reviewed and updated the VOPA newsletter mailing list. We have made efforts to expand it to include more consumers, family members, and advocates. Newsletters are distributed to the mailing list and upon request. In addition, extras can be provided at fairs, exhibits, and so on.

1. Describe the Priority

Goal: People with Disabilities in the Commonwealth of Virginia are Aware of VOPA's Services

Focus Area: Spanish-Speaking Constituents

- Objectives:
1. Complete two (2) presentations or outreach sessions between January 2005 and June 2005 for Spanish-speaking communities.
 2. With the assistance of VOPA's Spanish Speaking Community Advisory Committee, develop a plan for outreach to targeted Spanish-speaking constituencies.
 3. Coordinate VOPA outreach activities with the Governor's Latino Advisory Commission Liaison through regular bimonthly meetings.

2. Describe the Need, Issue, or Barrier Addressed

VOPA will increase its visibility in the disability communities where Spanish is spoken.

3. Indicate the Outcome of the priority: Met

4. Total Number of Cases Handled Related to the Priority: not limited to individual cases

5. Illustrative Cases/Activities (at least one specific case/activity description showing the success)

With the assistance of VOPA's Spanish-Speaking Outreach Committee, VOPA has been able to get a sense of the diverse needs of this community. The committee is comprised of VOPA staff, representatives of the Disability Advisory Council and PAIMI Council, and community and political leaders representing the Spanish-speaking community in the Commonwealth. We have identified that there is a need to educate this community about disability rights in special education, state and community facilities, accessibility to medical services (lack of interpreters), and opportunities for self-advocacy. The committee is working with the Richmond, Henrico, and Chesterfield, Virginia, Coalitions and the Richmond Hispanic Liaison Office to eliminate cultural and linguistic barriers so that general education can take place about VOPA and determine where VOPA should target its advocacy efforts.

VOPA has begun the general education process by meeting with the Limited English Speaking Program in Richmond to discuss VOPA's mission and services VOPA has also met with the Governor's Latino Advisory Commission Liaison to discuss the findings of the Latino Advisory Commission's report on the needs of the Latino community in Virginia. VOPA made a radio appearance for WRIR (97.3 FM), a newly created independent radio station in Richmond which provides many public interest shows targeted at the Spanish-speaking community in Richmond.

The Spanish Speaking Outreach Committee and VOPA have developed relationships with the Richmond, the Governor's Office, the VA Hispanic Liaison Office, the Richmond, Henrico, and Chesterfield Coalitions to provide information about disability rights in education, abuse and neglect, and discrimination. VOPA is translating brochures into Spanish so that our Spanish-speaking consumers will be able to access this information and share it within their communities. We have participated in community days, outreach events, and meetings in each Metro Richmond area to introduce VOPA to service providers and advocates. This year, the Committee decided to focus on identifying interpreters for parents in the City of Richmond and the counties of Chesterfield, Henrico, and Hanover so that effective communication could be facilitated between parents and educators. VOPA explored the number of Spanish-speaking residents and patients at state-operated Mental health institutions who may not be receiving appropriate care due to language barriers. VOPA is compiling data to share with the Committee.

VOPA conducted a "Continuing Legal Education Day" for VOPA attorneys that all staff were encouraged to attend. Many staff at all levels of the agency participated in a session entitled "Public Benefits and Immigration Status" presented by a representative of the Virginia Poverty Law Program. As VOPA presses forward with outreach to this population, we are being mindful of the sensitivities of the population's legal status and aware of the need to learn more about their cultures.

PRIORITIES for the CURRENT FISCAL YEAR

Report your program priorities for the current fiscal year (the fiscal year succeeding that covered by this report). You may enter data on as many priorities as you need. See the instruction manual for more details. The priorities you enter in this section will be pre-loaded into your annual performance report form for the coming fiscal year (section A above).

1. Describe the Priority

Goal: Children with Disabilities Receive an Appropriate Education
Focus Area: Assistive Technology in Schools

Describe the Need, Issue, or Barrier to be Addressed

Children with disabilities have a right to an appropriate education that includes access to assistive technology in school. VOPA will represent children with disabilities who have been denied assistive technology as part of their Individualized Education Plan or their Section 504 Plan. A Fact Sheet will be developed to assist with information and referral/technical assistance efforts. VOPA's efforts will help ensure that children have access to appropriate assistive technology and receive a free appropriate public education.

2. Describe the Priority

Goal: People with Disabilities have Equal Access to Appropriate and Necessary Health Care
Focus Area: Assistive Technology Obtained through Insurance

Describe the Need, Issue, or Barrier to be Addressed

An essential element of the rehabilitative process, life sustenance, and quality of life is to be able to access appropriate and necessary healthcare. For some individuals with disabilities, assistive technology is a key element of necessary healthcare. In particular, people who receive Medicaid Waiver services often need assistive technology to avoid institutionalization. VOPA's efforts, therefore, will help people live in the most integrated setting appropriate to their needs.

3. Describe the Priority

Goal: People with Disabilities in the Commonwealth of Virginia are Aware of VOPA's Services
Focus Area: Underserved Communities

Describe the Need, Issue, or Barrier to be Addressed

VOPA will increase its visibility in the disability communities.

4. Describe the Priority

Goal: People with Disabilities in the Commonwealth of Virginia are Aware of VOPA's Services
Focus Area: Outreach to constituents of the Eastern Shore

Describe the Need, Issue, or Barrier to be Addressed

VOPA will increase its visibility in the disability communities of the Eastern Shore area of Virginia.

5. Describe the Priority

Goal: People with Disabilities in the Commonwealth of Virginia are Aware of VOPA's Services
Focus Area: Spanish-speaking Constituents

Describe the Need, Issue, or Barrier to be Addressed

VOPA will increase its visibility in the disability communities that speak Spanish.

C. AGENCY ACCOMPLISHMENTS

Describe the most significant accomplishments of the agency during the fiscal year.

It should be noted that the Virginia Office for Protection and Advocacy (VOPA) has made a deliberate decision to take cases that we believe will have a strong systemic impact on the lives of Virginians with disabilities. Although we are opening a targeted number of cases, we believe that by tying them directly to systemic reform, we are making significant impact on a much larger population group.

It should also be noted that VOPA plans its programs based on the needs within the state; not by funding stream or specific disabilities. Some of the identified estimated cases may be addressed in conjunction with other funding streams, but the result will still be a positive impact on AT eligible individuals.

VOPA has also worked hard to represent the interests of children eligible for the EPSDT program. VOPA found that DMAS was using an incorrect standard of review in EPSDT cases when children requested AT. DMAS and its contracting agent had used criteria other than whether the AT would "correct, ameliorate or maintain" the child's condition. VOPA informed DMAS that it was using the wrong criteria and demanded that DMAS investigate the matter. DMAS agreed that it had used the wrong criteria, trained its employees and contractors on the correct criteria and committed to reviewing other cases where AT had been denied. VOPA also represented the interests of several children who had been denied AT by DMAS

PART VI: AGENCY ADMINISTRATION

A. AGENCY FUNDING

Enter the sources of funds your agency received and used to carry out PAAT program activities. Round to the nearest dollar, do not include cents. Do not include in-kind contributions in the "Other" categories. Refer to instruction manual for types of funds to report in "Other."

PAAT funding sources	Amount Received
1. Federal P&A (AT Act funds):	\$87,650
2. Program income	\$0
3. Other -specify	\$0

4. Other – specify	\$0
5. Other- specify	\$0
6. Total:	\$87,650

B. DESCRIPTION OF PAAT PROGRAM STAFF

a. Provide a brief description of the agency’s staffing plan for carrying out PAAT activities.

The VOPA Receptionist and Resource Advocates may provide information and referral and some technical assistance services for anyone requesting services from VOPA.

VOPA Disability Rights Advocates and Staff Attorneys provide case level services and pursue systemic reforms. They also provide training and outreach.

The Managing Attorney provides supervision and leadership in these efforts. He may also provide some case level services and pursue systemic reforms.

Support services (data management, fiscal, human resources, purchasing, for example.) are provided by administrative staff.

The Business Manager provides supervision and leadership for all of the administrative staff efforts.

The Policy Director provides leadership and direction in the areas of program and policy planning, development, monitoring, evaluation and collaboration with external entities.

The Executive Director provides the ultimate leadership and direction for all actions of the agency and provides supervision for the Managing Attorney, the Business Manager and the Policy Director.

b. PAAT Staff

Report on the number of persons and the number of full time equivalent (FTE) staff performing PAAT activities. As applicable, include (a) staff supported in full or in part by PAAT grant funds during the current reporting year, (b) subcontractor staff supported by PAAT funds and (c) P&A management staff to the extent that their duties included oversight of the PAAT program (and salaries were paid out of PAAT funds). Do not include P&A staff who did not work on PAAT cases during the fiscal year. Report actual, not budgeted, FTE totals. See the instruction manual for an example and further details on the type of staff to include in each position.

Type of Position	Number of persons	Number of FTEs
Professional		
Full-time	18	5.22
Part-Time	0	0
Administrative		
Full-time	6	3.49
Part-time	0	0
Totals	24	8.71

C. CONSUMER INVOLVEMENT

1. Briefly describe any consumer-responsive activities not reported elsewhere in this report (e.g., PAAT Advisory Board, forums to obtain input into planning and priorities). If 'not applicable,' enter 'N/A.'

VOPA has two Advisory Councils known as the Disabilities Advisory Council (DAC) and The Protection and Advocacy for Individuals with Mental Illnesses (PAIMI) Council. The Councils' primary responsibility is to advise the protection and advocacy system on policies and priorities to be carried out in protecting individuals with disabilities. Both Councils have consumer representation. There are also consumer representatives from these Advisory Councils on the Spanish Speaking Outreach Committee.

VOPA developed and implemented strategies for gathering public comment on the goals and focus areas as well as the work of VOPA in general. A web-based survey was posted on the VOPA website and announced to the public via several list-serves. In addition, focus groups were conducted with invitees that represented varying disability rights interests; an emphasis was on inviting consumers and/or advocates. The VOPA Advisory Councils also participated in focus group activities with VOPA staff and provided input on the goals and focus areas as well as suggestions for the process of public comment gathering.

VOPA uses the terms "Goal" and "Focus Area" instead of "Priority." This is a result of client and potential client feedback that telling someone their issue does not fall within our priorities gives the person the impression we are insensitive to their issue. This change was positively received by our Governing Board and our Advisory Councils.

2. Consumer Involvement in P&A Agency Staff and Board

Person with a disability	Number
Agency staff	6
Agency board	3
Family members of a person with a disability	
Agency staff	VOPA does not collect this type of data from employees
Agency board	7
Total number of persons on agency staff	36*
Total number of persons on agency board	13

*not all positions were filled for all 12 months of the fiscal year; therefore, this number reflects two staff filling one position over the course of the year

D. GRIEVANCES FILED

Number of PAAT grievances filed against the agency during the fiscal year	0
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E. COLLABORATIVE EFFORTS

1. Collaboration with Other P&A Programs and Activities

Briefly describe your work on AT issues funded by other P&A programs (do not include activities carried out with PAAT funds).

VOPA collaborates and consults with the National Disability Rights Network (NDRN) and several VOPA staff subscribe to NDRN supported P&A listservs. These listservs offer P&As the opportunity to consult and collaborate nationwide on similar issues and concerns facing people with disabilities.

Internally, VOPA staff working under the PAAT grant may also work under the PADD, CAP, HAVA or PAIR grants which all could be related to assistive technology device and service needs. For example, while working a PADD case that involves developing an appropriate IEP, the need for appropriate assistive technology assessment, devices, and services may be identified. If the PADD case is being worked by a VOPA staff not involved with PAAT, the PADD staff routinely will consult with the PAAT staff or even have them join the case.

2. All Other Collaboration

Describe any coordination with programs that are not part of the agency (e.g. state Tech Act projects, state long-term care programs, etc.).

VOPA staff routinely collaborate with the vocational rehabilitation agencies in the area of assistive technology. These agencies include: the Department of Rehabilitative Services, the Department of the Blind and Vision Impaired and the Department of the Deaf and Hard of Hearing. In addition, VOPA staff are available to staff of the state institutions for consultation about assistive technology needs and services.

VOPA provides “Office Hours” at some of the local Centers for Independent Living. Individuals with disabilities are informed of their AT rights and provided with other legal advice and services when appropriate. VOPA maintains a website that posts all of our federal grants’ priorities, goals, and objectives, including CAP. This website also has the notices for the Board of Directors’ and VOPA’s Advisory Councils meetings. Job vacancies, announcements, VOPA publications, quarterly newsletters, and disability-related links are also available. The annual public comment process is posted on the website and visitors can participate on-line.